

Application No. 10/788,795
Request for Reconsideration dated April 11, 2006
Reply to Office action dated December 5, 2005

71622 US02

DPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Cook

Serial No.: 10/788,795

Group Art Unit: 1761

Filed: February 27, 2004

Examiner: PRATT, Helen F.

For: BEVERAGES CONTAINING WATER-SOLUBLE VITAMIN E

Commissioner for Patents

Mail Stop Amendment

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REQUEST FOR RECONSIDERATION

In Response to the Office Action mailed on December 5, 2005, consideration of this Request for Reconsideration and the following remarks are respectfully requested.

REMARKS

The sole outstanding issue concerns the rejection of claims 1-41 under 35 U.S.C. 103(a) as purportedly obvious based on Lambert et al. (WO 02/076970) in view of Skeffington et al. (2,088,927), Krasavage et al. (J. Agriculture Food Chemistry), Traber et al. (Am. J. Clin. Nutr.) and Argao (J. Pediatric Research). Applicant respectfully traverses this rejection.

Independent claim 1 (from which claims 2-11 depend) concerns a beverage. The beverage includes water, a water-soluble source of vitamin E, a flavoring agent and a sweetener. Independent claim 12 (from which claims 13-22 depend) concerns a fruit beverage which includes fruit juice or fruit flavoring, a water-soluble source of vitamin E and water. Independent claim 23 (from which claims 24-32 depend) concerns a carbonated beverage that includes carbonated water, a water-soluble source of vitamin E, an anti-foaming agent, and a flavoring agent. Independent claim 34 (from which claims 35-37 depend) concerns a beverage concentrate including a flavoring agent, a sweetener, a preservative, an anti-foaming agent, a water-soluble source of vitamin E, and water. Moreover, independent claim 38 (from which claims 39-41 depend)